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PN-ISO 37001 Management Systems For Anti-corruption Actions and Anti-corruption Procedure in Jan Paweł II Hospital in Bełchatów

Abstract: Norms bind us through reliable modes of communication, code of conduct, and trust-worthy frames of cooperation. A product or a service is labelled with a trust-worthy quality, safety and compatibility mark, in compliance with International Norm [ISO 37001 2017]. The objective of the article is to present the application of a system for counteracting corruptive threats, as a supplement to the requirements of ISO 9001 norm, followed by a short characteristics of BS 10500 norm, which in 2006 was replaced by an international norm – ISO 37001. The article has been based on the analysis of systems and anti-corruptive norms. The article discusses the anti-corruption procedure in Jan Paweł II Hospital in Bełchatów, which will be the basis to apply for ISO 37001 certificate. The article is a desk research analysis.

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Key words: system for counteracting corruptive threats, anti-corruption procedure, anti-bribery management systems

Introduction

Quality management systems are the most effective mode to prevent corruption in an organisation, including healthcare entities. Viewing the system from the patient's point of view we can conclude that its objective should be assuring such conditions in the management system of an entity so that the probability of providing the patient with a service non-compliant with their requirements, needs or expectations is minimized. Moreover, health services are a particular form of services, the quality of which has a direct influence both on the patient's life and health, and the risk of committing an error should be minimized, tending towards zero probability [Kowalczyk 2012, p. 44].

System for Counteracting Corruption Threats

The requirements of the System for Counteracting Corruption Threats have been complementary to the requirements stipulated in the PN-EN ISO 9001:2001 norm – Quality management systems – Requirements. They were prepared by the Ministry of Justice, Polish Centre for Testing and Certification and Polish Chamber of Commerce in mid 2006 as a base for the implementation of solutions which should boost trust in the organizations in terms of reliability and impartiality of the decision-taking process, both towards their customers as well as regarding the use of funds that the organizations have at their disposal.

System for counteracting corruption threats is connected with the quality management system in an integrated management system. In case when an organisation already has a certified quality management system in line with ISO 9001, the implementation and certification of the System consists only in proving that the additional requirements have been fulfilled. Whereas in case when an organisation has not introduced quality management system yet, the implementation and certification of the System is done together with these of the quality management system.

Fulfilling the requirements of the System and confirming them by an independent third party in the certification process should not be treated as a confirmation of honesty and reliability of a given organisation, but as a confirmation of the previously declared will to act accordingly and of the awareness of the consequences deriving from it. An expression of this should be creating solutions that eliminate or significantly limit the possibility of any corruption-related threats, and subsequently implementing, maintaining and continuously streamlining those solutions, in line with the norms of the System [System 2017].

BS 10500

The response to the prolonging problem of corruption was BS 10500 norm prepared by BSI (British Standards Institution). It defined requirements for Anticorruption Management System in an organisation. BS 10500 was used in various organisations of public and private sector which want to minimise the risk of corruption within their structures. This tool was meant to help to adjust the mode of functioning of a entity to the requirements of the British Act on counteracting corruption (UK Bribery Act 2010). The implementation of the Management System based on BS 10500 norm was tantamount to informing other subjects functioning in the market about the introduction of a zero tolerance policy towards corruption, which has a positive influence on the organisation's image [System Zarządzania 2017].

ISO 37001

Many organisations have been waiting for the creation of this norm. Until now, we have dealt with two documents which concern anti-corruption actions – SB 10500 standard and an ISO 9001 “supplement”, i.e. System for Counteracting Corruption Threats.

In ISO 37001 bribery was defined as offering, promising, giving, accepting or gaining independent benefits of whatever value (both financial and non-financial), directly or indirectly, irrespective of the localisation, in breach of the law in force, as an incentive or reward for an act or omission in connection with the duties of the person involved.

The management system for counteracting corruption is designed in such a way as to instil in an organization an anti-bribery culture and implement adequate controls, which in turn increase the chances of detecting a case of corruption, but, above all, diminish the chances of its occurrence. ISO 37001 norm includes requirements and indications for creating, implementing, maintaining and streamlining management system for anti-corruption actions. The system can be independent or integrated with the principal management system. It encompasses fighting corruption in public, private and non-profit sector, both within an organisation and among its employees. Corruption can happen everywhere and can lead to financial and non-financial benefits.

ISO 37001 has been prepared in such a way as to help an organisation in implementing the anti-corruption management system or in increasing its control over the problem. It requires introducing a number of means, such as: adopting an anti-corruption policy, appointing a person responsible for supervising compliance with this policy, monitoring and training the employees, evaluating project and business partners risk, carrying out financial controls, and also instigating report and investigation procedures. The implementation of the corruption counteracting system requires leadership and en-

agement of the senior managers, and the policy and programme have to be let know to all the employees as well as external parties – executors, suppliers and partners. This way it helps to diminish the risk of corruption. It also allows to demonstrate the managers, employees, owners, investors, customers and other business partners that an internationally renowned praxis concerning anti-corruption control has been implemented. In the case of penal proceedings, it is also possible to provide evidence confirming that adequate anti-corruption means have been taken [ISO 37001 2017, p. 15].

The norm defines requirements and indications concerning the settlement, implementation, maintenance, control and streamlining of the anti-corruption management system. It can be implemented within an integrated management system or separately. ISO 37001 norm refers to the following types of events within an organisation:

- Corruption in public, private and non-profit sector;
- Corruption carried out by the organisation;
- Corruption carried out by the personnel acting on behalf of or for the benefit of the organisation;
- Corruption carried out by business partners acting on behalf of or for the benefit of the organisation;
- Corruption with respect to the organisation;
- Corruption with respect to the personnel in connection with the functioning of the organisation;
- Corruption with respect to business partners in connection with the functioning of the organisation;
- Direct and indirect corruption (e.g. a bribery offered or received directly or through an intermediary).

The requirements included in the norm are general and can be applied in all organisations (or parts of an organisation), irrespective of their type, size or business profile, as well as whether they function in public, private or non-profit sector.

The regulations are not enough to solve the problem of corruption. The organisations have the duty to actively participate in corruption counteracting. It can be reached thanks to a bribery prevention system, which ISO 37001 norm is to ensure, and also thanks to following the culture of honesty, transparency, openness and compliance by the persons in charge. The organisation's culture is crucial for the success or failure of bribery management system. A well managed organisation should have a compliance policy in line with adequate management systems, so as to aid to fulfil its legal obligations and devotion to justice. The anti-corruption policy is a part of a general compliance policy. The anti-corruption policy and its assisting management system help the organisation to avoid or mitigate costs, risks and damages related to corruption, promote trust in business partners and improve the reputation. The norm reflects international

good practices and can be applied in all jurisdictions. It can be applied in small, medium and big organisations of all sectors – public, private and non-profit. The risk of corruption with respect to the organisation depends on such factors as its size, localisation and sectors in which it functions, as well as its character, scale and complexity of activities.

The norm assumes that the senior management team shows leadership and involvement in the works of anti-corruption management system by ensuring the formulation, implementation, maintenance and control of the system, including its policy and objectives, in order to counteract corruption in the organisation adequately.

Anti-corruption actions in an organisation – the implementation of anti-corruption procedure in Jan Paweł II Provincial Hospital in Bełchatów

The aim of the anti-corruption procedure in Jan Paweł II Provincial Hospital in Bełchatów was to define the rules of action in the case of a potentially corruptive or corruptive events in the hospital, related to the performance of task of the entity and the mode of informing competent authorities in the hospital and in public administration. The procedure defines procedures regarding gifts, potentially corruptive or corruptive situations and the rules which the employees of the Hospital have to comply with while taking part in seminars, conferences or courses organised by private entities, pharmaceutical companies and others.

Basic terms used during the procedure have been defined in the glossary. For example, corruption is defined as an act or omission, as well as a promise thereof, in order to obtain by any person or for the benefit of another person an independent benefit, given, promised or assumed, both material and non-material, directly or indirectly. Whereas anti-corruption is defined as a set of actions taken in order to eliminate or diminish the probability of a case of corruption. A corruptive incident is defined as any action as a result of which law or internal regulations have been violated, having the characteristics of an abuse of a function, leading to obtaining independent benefits, material or personal. A corruptive event is defined as an event which increases the probability of corruption. Employees are defined as all persons working for the Hospital, regardless the type of their job and its legal basis. In the case of a corruptive event occurring in connection with the activity of the Hospital, the procedure encompasses all those persons, as well as other subjects.

Persons responsible for supervision over the personnel are defined as managers of the organisational units, and all the employees and other people providing health services for the benefit of the Hospital are obliged to comply with the rules and to carry out the dispositions of the procedure.

Patients, their relatives and third persons as well as entities cooperating with the Hospital can report potentially corruptive incidents/events to the Hospital Director or their Deputies. Also, each employee who witnesses an event which in their opinion may influence the fulfilment of Hospital's objectives and tasks is obliged to report it.

Such information can be delivered in written form, by e-mail, personally or by telephone. The Deputies are obliged to immediately inform the Director about the information received. The Director consults a legal advisor in order to confirm or dismiss a corruptive event and to find out whether the law was violated, and then by means of a directive appoints Commission of Inquiry. The Commission should include 3–5 employees of the Hospital who have an impeccable reputation as well as a representative of Ethics Group and the Management Representative for Quality. In case when the claim of corruption is deemed valid, the Commission has to initiate explanatory actions. If the claim needs to be assessed by persons with the capacity to evaluate its validity, including a legal advisor, the Commission asks such opinion. If it is necessary to get into contact with persons from outside the Hospital, such decision is made jointly by the Director and the Head of the Commission. In case when the Commission concludes that the incident violated the law, the Hospital Director is informed and they decide as to the further actions. If the incident is classified as a corruptive event prosecuted *ex officio*, the Director immediately informs the law enforcement agencies. The works of the Commission are minuted, especially the information concerning the evidence, its assessment, and the Commission's decision about the validity of the claim. The Head of the Commission presents the minutes to the Hospital Director, who confirms it or ask to complement it. Moreover, an employee appointed by the Director maintains a record of all corruptive events.

The procedure defines the rules of dealing with gifts. It is defined that conditioning a health service on any financial gain, act or omission is unacceptable. What is more, the Hospital's employees must not demand or accept gifts (benefits of any value, i.e. money, material things, as well as a promise of getting job, obtaining certain documents etc.) from the patients, their families and third persons. It is acceptable to receive a gift (e.g. flowers) as a token of gratitude of the patient after the treatment, nevertheless, in every such situation its adequacy should be evaluated. The circumstances of giving and receiving the gift should not raise any suspicions as to it not being a corruptive, unethical or illegal deed.

The procedure also defines the rules which the employees have to comply with while taking part in seminars, conferences or courses organised by private entities, e.g. pharmaceutical companies. The employees of the Hospital may take part in conferences, seminars or courses organised by private entities only if the objectives of those are in line with the objectives stipulated in the Hospital's Statutes, and if it is impossible for the employer to organise a course on the same subject and at the same level. It is not accepta-

ble that an employee of the Hospital take part in seminars, conferences or courses organised by private entities of the medical sector, during which the hospitality exceeds the main objective of the meeting. An employee who is planning to take part in a conference, seminar or course as a representative of the Hospital is obliged to inform their superior about it within 14 days from the scheduled date of the event and to obtain their written consent. After the course the employee evaluates it according to the general rules in force in the Hospital [*Procedura antykorupcyjna* 2017].

Summing up

The implementation of the anti-corruption policy and procedures guarantee that the task will be performed in a reliable and honest way, the risk of corruptive events is minimized, and the social trust towards the hospital increases, which influences the building of its positive image. The anti-corruption procedure in Jan Paweł II Hospital in Bełchatów will be the basis to apply for ISO 37001 certificate.

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